## EXHIBIT 68 (Filed Under Seal)

## CASE 0:18-cv-01776-JRT-JFD Doc. 1326-9 Filed 05/02/22 Page 2 of 12

From: Tyson FYI </O=TYSON/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=TYSON FYI2CA>

**Sent:** 11/18/2013 12:31:25 PM

Subject: Tyson Completes Record Year as Fourth Quarter Earnings Increased 23% to \$0.70; Poised for Strong Growth in 2014

(A live webcast of today's 8 a.m. Central earnings call will be available on the Internet at http://ir.tyson.com)

## TYSON COMPLETES RECORD YEAR AS FOURTH QUARTER EARNINGS INCREASED 23% TO \$0.70; POISED FOR STRONG GROWTH IN 2014

Springdale, Arkansas – November 18, 2013 – Tyson Foods, Inc. (NYSE: TSN), today reported the following results:

(in millions, except per share data)	Fourth	Quar	ter	12 N	<b>Ionth</b>	s
	 2013		2012	2013		2012
Sales	\$ 8,894	\$	8,315	\$ 34,374	\$	33,055
Operating Income	416		354	1,375		1,286
Income from Continuing Operations	259		203	848		614
Loss from Discontinued Operation	_		(22)	(70)		(38)
Net Income	 259		181	 778		576
Less: Net Loss Attributable to Noncontrolling Interests	(2)		(4)	_		(7)
Net Income Attributable to Tyson	\$ 261	\$	185	\$ 778	\$	583
Net Income Per Share from Continuing Operations Attributable to Tyson	\$ 0.70	\$	0.57	\$ 2.31	\$	1.68
Adjusted 1 Net Income Per Share from Continuing Operations Attributable to Tyson	\$ 0.70	\$	0.57	\$ 2.26	\$	1.97
Net Income Per Share Attributable to Tyson	\$ 0.70	\$	0.51	\$ 2.12	\$	1.58
Adjusted Net Income Per Share Attributable to Tyson	\$ 0.70	\$	0.55	\$ 2.22	\$	1.91

<sup>&</sup>lt;sup>1</sup> Adjusted EPS is explained and reconciled to comparable GAAP measure at the end of this release.

## Fourth Quarter Highlights

- Record sales of \$8.9 billion, an increase of 7% over last year
- Operating income increased 18% to \$416 million
- Repurchased 9.9 million shares for \$300 million
- Board declares 50% increase on quarterly dividend from \$0.05 to \$0.075 on shares of Class A common stock

#### Fiscal 2013 Highlights

- Record adjusted EPS from continuing operations increased 15% to \$2.26 compared to \$1.97 last year
- Record sales of \$34.4 billion, an increase of 4% over last year
- Operating income increased 7% to \$1,375 million
- Repurchased 21.1 million shares for \$550 million
- · Liquidity totaled \$2.1 billion at September 28, 2013

## CASE 0:18-cv-01776-JRT-JFD Doc. 1326-9 Filed 05/02/22 Page 3 of 12

"We had a great fourth quarter, and 2013 was the best year in company history in terms of record sales and earnings per share," said Donnie Smith, Tyson's president and chief executive officer. "The company achieved these results while buying back \$550 million in stock, paying more than \$100 million in dividends, continuing to build out operations in China and growing our prepared foods business through acquisitions and by entering new product categories.

"A year ago we outlined our expectations for growth. We said you should expect top line sales to grow around 3-4% annually. In fiscal 2013, we grew sales by 4%," Smith said. "This time last year, we projected earnings for fiscal 2013 would be roughly flat to the previous two years but would grow at a rate of at least 10% a year in 2014 and beyond. By overcoming many challenges, we grew adjusted earnings from continuing operations by 15% this year. Sales growth from value-added products was almost 6%, against an aggressive goal of 6-8% growth per year. And finally, we set a goal of growing sales from international production by 12-16% a year, and we beat that goal with 20% growth.

"I'm proud of what we've accomplished, and with every success, we raise the bar higher. Although we've been successful, there is still so much potential," Smith said. "We have a great team that is focused and united. As a leader and as a shareholder, I'm excited about the future of Tyson Foods."

### Segment Performance Review (in millions)

Other

**Total** 

Intersegment Sales

				Sales					
	(for	r the fourth quarte	er and 12 months	s ended Septembe	er 28, 2013, and Sept	ember 29, 2012)			
			Fourth Q	uarter			12 Mo	onths	
				Volume	Avg. Price			Volume	Avg. Price
		2013	2012	Change	Change	2013	2012	Change	Change
Chicke n	\$	3,160 \$	2,958	2.4 %	4.3 %\$	12,296 \$	11,368	1.9 %	6.1 %
Beef		3,745	3,432	4.1 %	4.8 %	14,400	13,755	(1.8 )%	6.6 %
Pork		1,402	1,319	(5.6 )%	12.6 %	5,408	5,510	(3.6 )%	1.9 %
Prepared Foods		881	805	5.2 %	3.9 %	3,322	3,237	1.9 %	0.7 %

n/a

n/a

1.5 %

46

(1.098)

34,374 \$

n/a

n/a

5.9

167

(982)

33,055

n/a

n/a

(0.2)%

n/a

n/a

4.6

43

(242)

8,315

(1)

(293)

8,894 \$

			Oper	rating Income (Los	s)				
	(for t	he fourth quarte	er and 12 months	ended September .	28, 2013, and Sep.	tember 29, 2012)			
			Fourth Q	uarter			12 Mor	nths	
				Operating N	/Iargin			Operating N	/Iargin
		2013	2012	2013	2012	2013	2012	2013	2012
Chicken	\$	175 \$	138	5.5 %	4.7 %\$	646 \$	484	5.3 %	4.3 %
Beef		162	117	4.3 %	3.4 %	296	218	2.1 %	1.6 %
Pork		68	68	4.9 %	5.2 %	332	417	6.1 %	7.6 %
Prepared Foods		16	39	1.8 %	4.8 %	101	181	3.0 %	5.6 %
Other		(5)	(8)	n/a	n/a	_	(14)	n/a	n/a
Total	\$	416 \$	354	4.7 %	4.3 %	1,375 \$	1,286	4.0 %	3.9 %

All periods reported reflect a discontinued operation, which was part of our Chicken segment, recognized in fiscal 2013.

• <u>Chicken</u> - Sales volumes grew due to increased domestic and international production driven by stronger demand for our chicken products. The increase in average sales price in the fourth quarter and 12 months of fiscal 2013 was due to mix changes and price increases associated with higher input costs. Since many of our sales contracts are formula based or shorter-term in nature, we were able to offset rising input costs through improved pricing and mix. Operating income was positively impacted by increased average sales price and volume, improved live performance and operational execution, as well as improved performance in our foreign-produced operations. These increases were partially offset by increased feed costs of approximately \$30 million and \$470 million for the

## CASE 0:18-cv-01776-JRT-JFD Doc. 1326-9 Filed 05/02/22 Page 4 of 12

fourth quarter and 12 months of fiscal 2013, respectively.

- Beef For the fourth quarter of fiscal 2013, sales volume rose as we increased production due to sufficient cattle supply and strong demand for our beef products. Sales volume decreased for the 12 months of fiscal 2013 due to less outside trim and tallow purchases. Average sales price increased due to lower domestic availability of fed cattle supplies, which drove up livestock costs. Operating income rose due to improved operational execution, less volatile live cattle markets and improved export markets.
- Pork Sales volume decreased as a result of balancing our supply with customer demand and reduced exports. Demand for pork products improved, which drove up average sales price and livestock cost despite a slight increase in live hog supplies.
  - While reduced compared to the prior year, operating income remained strong in the 12 months of fiscal 2013 despite brief periods of imbalance in industry supply and customer demand.
- Prepared Foods Sales volume increased as a result of improved demand for our prepared products and incremental volumes from the purchase of two businesses in fiscal 2013. Average sales price rose due to price increases associated with higher input costs. Operating income decreased, despite increases in sales volumes and average sales price, as the result of increased raw materials and additional costs incurred as we invested in our lunchmeat business and growth platforms. Because many of our sales contracts are formula based or shorter-term in nature, we are typically able to offset rising input costs through pricing. However, there is a lag time for price increases to take effect.

## CASE 0:18-cv-01776-JRT-JFD Doc. 1326-9 Filed 05/02/22 Page 5 of 12

### Outlook

In fiscal 2014, we expect overall domestic protein production (chicken, beef, pork and turkey) to increase approximately 1% from fiscal 2013 levels. Grain supplies are expected to increase in fiscal 2014, which should result in lower input costs. The following is a summary of the fiscal 2014 outlook for each of our segments, as well as an outlook on sales, capital expenditures, net interest expense, debt and liquidity, share repurchases and dividends:

- <u>Chicken</u> We expect domestic chicken production to increase 3-4% in fiscal 2014 compared to fiscal 2013. Based on current futures prices, we expect lower feed costs in fiscal 2014 compared to fiscal 2013 of approximately \$500 million. Many of our sales contracts are formula based or shorter-term in nature, which allows us to adjust pricing when input costs fluctuate. However, there may be a lag time for price changes to take effect. For fiscal 2014, we believe our Chicken segment will be in or above its normalized range of 5.0%-7.0%.
- Beef We expect to see a reduction of industry fed cattle supplies of 2-3% in fiscal 2014 as compared to fiscal 2013. Although we generally expect adequate supplies in regions we operate our plants, there may be periods of imbalance of fed cattle supply and demand. For fiscal 2014, we believe our Beef segment's profitability will be similar to fiscal 2013, but could be below its normalized range of 2.5%-4.5%.
- Pork We expect industry hog supplies to increase 1-2% in fiscal 2014 and exports to improve compared to fiscal 2013. For fiscal 2014, we believe our Pork segment will be in its normalized range of 6.0%-8.0%.
- Prepared Foods We expect operational improvements and pricing to offset increased raw material costs. Because many of our sales contracts are formula based or shorter-term in nature, we are typically able to offset rising input costs through increased pricing. As we continue to invest heavily in our growth platforms, we believe our Prepared Foods segment could be slightly below its normalized range of 4.0%-6.0% for fiscal 2014.
- Sales We expect fiscal 2014 sales to approximate \$36 billion as we continue to execute our strategy of accelerating growth in domestic value-added chicken sales, prepared food sales and international chicken production.
- Capital Expenditures We expect fiscal 2014 capital expenditures to approximate \$700 million.
- Net Interest Expense We expect net interest expense will approximate \$100 million for fiscal 2014.
- <u>Debt and Liquidity</u> Total liquidity at September 28, 2013, was \$2.1 billion, well above our goal to maintain liquidity in excess of \$1.2 billion. In October 2013, our 2013 notes, with a principal amount of \$458 million, matured and we paid them off using each on hand.
- Share Repurchases We expect to continue repurchasing shares under our share repurchase program. As of September 28, 2013, 14.2 million shares remain authorized for repurchases. The timing and extent to which we repurchase shares will depend upon, among other things, our working capital needs, market conditions, liquidity targets, our debt obligations and regulatory requirements.
- <u>Dividends</u> On November 14, 2013, the Board of Directors increased the quarterly dividend previously declared on August 1, 2013, to \$0.075 per share on our Class A common stock and \$0.0675 per share on our Class B common stock. The increased quarterly dividend is payable on December 13, 2013, to shareholders of record at the close of business on November 29, 2013. The Board also declared a quarterly dividend of \$0.075 per share on our Class A common stock and \$0.0675 per share on our Class B common stock, payable on March 14, 2014, to shareholders of record at the close of business on February 28, 2014.

## TYSON FOODS, INC. CONSOLIDATED CONDENSED STATEMENTS OF INCOME

(In millions, except per share data) (Unaudited)

		Three Months Ended			12 Months Ended			
	Septen	nber 28, 2013	Septer	September 29, 2012		September 28, 2013		ember 29, 2012
Sales	\$	8,894	\$	8,315	\$	34,374	\$	33,055
Cost of Sales		8,225		7,725		32,016		30,865
Gross Profit		669		590		2,358		2,190
Selling, General and Administrative		253		236		983		904
Operating Income		416		354		1,375		1,286
Other (Income) Expense:								
Interest income		(2)		(3)		(7)		(12)
Interest expense		36		40		145		356
Other, net		(1)		(6)		(20)		(23)
Total Other (Income) Expense		33		31		118		321
Income from Continuing Operations before Income Taxes		383		323		1,257		965
Income Tax Expense		124		120		409		351
Income from Continuing Operations		259		203		848		614
Loss from Discontinued Operation, Net of Tax		_		(22)		(70)		(38)
Net Income		259		181		778		576
Less: Net Loss Attributable to Noncontrolling Interests		(2)		(4)		_		(7)
Net Income Attributable to Tyson	\$	261	\$	185	\$	778	\$	583
Amounts attributable to Tyson:								
Net Income from Continuing Operations		261		207		848		621
Net Loss from Discontinued Operation		_		(22)		(70)		(38)
Net Income Attributable to Tyson	\$	261	\$	185	\$	778	\$	583
Weighted Average Shares Outstanding:								
Class A Basic		277		288		282		293
Class B Basic		70		70		70		70
Diluted		370		363		367		370
Net Income Per Share from Continuing Operations Attributable to Tyson:								
Class A Basic	\$	0.77	\$	0.59	\$	2.46	\$	1.75
Class B Basic	\$	0.70	\$	0.53	\$	2.22	\$	1.57
Diluted	\$	0.70	\$	0.57	\$	2.31	\$	1.68
Net Loss Per Share from Discontinued Operation Attributable to Tyson:								
Class A Basic	\$	_	\$	(0.06)	\$	(0.20)	\$	(0.11)
Class B Basic	\$	_	\$	(0.05)	\$	(0.18)	\$	(0.09)
Diluted	\$	_	\$	(0.06)	\$	(0.19)	\$	(0.10)
Net Income Per Share Attributable to Tyson:								

Class A Basic	CASE 0:18-cv-01776-JRT-JFD	Doc. 1326-9	Filed 05/02/22	Page 7 of 12	2.26 \$	1.64
Class B Basic		\$	0.70 \$	0.48 \$	2.04 \$	1.48
Diluted		\$	0.70 \$	0.51 \$	2.12 \$	1.58
Dividends Declared Per Share:						
Class A		\$	0.050 \$	0.040 \$	0.310 \$	0.160
Class B		\$	0.045 \$	0.036 \$	0.279 \$	0.144
Sales Growth			7.0 %		4.0 %	
Margins: (Percent of Sales)						
Gross Profit			7.5 %	7.1 %	6.9 %	6.6 %
Operating Income			4.7 %	4.3 %	4.0 %	3.9 %
Income from Continuing Operations			2.9 %	2.4 %	2.5 %	1.9 %
Effective Tax Rate for Continuing Operations			32.5 %	37.2 %	32.6 %	36.4 %

## CASE 0:18-cv-01776-JRT-JFD Doc. 1326-9 Filed 05/02/22 Page 8 of 12

# TYSON FOODS, INC. CONSOLIDATED CONDENSED BALANCE SHEETS (In millions) (Unaudited)

	Septen	nber 28, 2013	September 29, 2012	
Assets				
Current Assets:				
Cash and cash equivalents	\$	1,145	\$	1,071
Accounts receivable, net		1,497		1,378
Inventories		2,817		2,809
Other current assets		145		145
Total Current Assets		5,604		5,403
Net Property, Plant and Equipment		4,053		4,022
Goodwill		1,902		1,891
Intangible Assets		138		129
Other Assets		480		451
Total Assets	\$	12,177	\$	11,896
Liabilities and Shareholders' Equity Current Liabilities:				
Current debt	\$	513	\$	515
Accounts payable	Φ	1,359	Ψ	1,372
Other current liabilities		1,138		943
Total Current Liabilities		3,010		2,830
Long-Term Debt		1,895		1,917
Deferred Income Taxes		479		558
Other Liabilities		560		549
Total Tyson Shareholders' Equity		6,201		6,012
Noncontrolling Interests		32		30
Total Shareholders' Equity	-	6,233		6,042
Total Liabilities and Shareholders' Equity	\$	12,177	\$	11,896

## CASE 0:18-cv-01776-JRT-JFD Doc. 1326-9 Filed 05/02/22 Page 9 of 12

# TYSON FOODS, INC. CONSOLIDATED CONDENSED STATEMENTS OF CASH FLOWS (In millions) (Unaudited)

- /	IX /I	[onf	าต	+ $na$	0

Behave From Operating Activities         8         77.8         \$         55.6           Depreciation and amortization         51.9         4.99           Depreciation and amortization         6.9         1.40           Description of more traces         1.0         1.40           Loss on early estinguishment of debt         7.0         1.67           Other, act         1.0         1.0         2.0           Net change in other current assets and liabilities         1.0         1.0         2.0           Observed by Operating Activities         3.1         1.0         2.0           Substituting Activities         4.0         1.0         2.0           Additions to property, plant and equipment         (5.8)         6.0           Proceeds from sale of marketable securities         1.0         4.7           Adoptions and of marketable securities         1.0         4.7           Acquisition, not of carried for marketable securities         1.0         4.0           Proceeds from sale of marketable securities         1.0         6.0         4.0           Sab Dust from Sing Activities         2.0         6.0         9.0         4.0           Sub Proceeds from Dustring Activities         9.0         9.0         4.0         4.0		September 28, 2013	September 29, 2012
Depreciation and amortization         519         499           Deferred income taxes         (12)         140           Loss on early estinguishment of debt         160         52           Other, not         160         52           Net change in other current assets and libilities         719         247           Cash Flows From Investing Activities         5134         187           Cash Flows From Investing Activities         558         (600           Purchase of marketable securities         115         47           Additions to property, plant and equipment         165         38           Purchase of marketable securities         117         47           Acquisitions, net of cash acquired         160         -2           Other, at         640         600           Cash Used for Investing Activities         90         600           Cash Used for Investing Activities         640         600           Dividences from Dimorning Activities         90         600           Purchase of Dividences         614         6264           Dividences from Dimorning Activities         614         6264           Dividences from Dimorning Activities         614         6264           Dividences from Dimorning Activities<	Cash Flows From Operating Activities:	 	
Deferred income taxes         (12)         140           Los on early extinguishment of debt	Net income	\$ 778	\$ 576
Common and pertinguishment of debt	Depreciation and amortization	519	499
Obes on early estinguishment of debt         106         50           Other, net         106         52           Net change in other current assets and liabilities         671         6247           Cash Provided by Operating Activities         13.14         13.87           Cash Flows From Investing Activities         (558)         (600)           Proceeds from a contractable securities         (135)         (58)           Proceeds from sale of marketable securities         117         47           Acquisitions, net of cash acquired         (64)         660           Other, net         39         41           Cash Flows From Financing Activities         (64)         (66)           Cash Flows From Financing Activities         91         (993)           Net proceeds from borrowings         68         1.116           Not proceeds from borrowings         (614)         (264)           Purchases of Tyson Class A common stock         (614)         (35)           Stock options exercised         123         34           Other, net         18         (7)           Stock options exercised         123         (36)           Other, net         18         (7)           Stock options exercised         18	Deferred income taxes	(12)	140
Net change in other current assets and liabilities         (71)         (247)           Cash Provided by Operating Activities         1,314         1,187           Cash Flows From Investing Activities         \$\$\$\$         (600)           Purchases of marketable securities         (155)         (600)           Purchases of marketable securities         (117)         47           Acquisitions, not of cash acquired         (166)         -           Other, net         39         41           Cash Flows From Financing Activities         (643)         (660)           Cash Flows From Financing Activities         (91)         (933)           Net proceeds from borrowings         68         1,116           Purchases of Tyson Class A common stock         (614)         (264)           Dividends         (104)         (37)           Stock options exercised         (123)         34           Other, net         (18)         (7)           Stock options exercised         (123)         34           Other, net         (18)         (7)           Stock options exercised         (18)         (7)           Cash Ised for Financing Activities         (3)         (1)           Effect of Exchange Rate Changes on Cash         (3) </td <td>Loss on early extinguishment of debt</td> <td>_</td> <td>167</td>	Loss on early extinguishment of debt	_	167
Cash Provided by Operating Activities         1,314         1,318           Cash Flows From Investing Activities:         558         (690)           Additions to property, plant and equipment         (558)         (690)           Purclases of marketable securities         (117)         47           Proceeds from sale of marketable securities         (106)         —           Acquisitions, net of cash acquired         (160)         —           Other, net         39         4           Cash Flows From Financing Activities         991         (993)           Payments on debt         (91)         (993)           Net proceeds from borrowings         68         1,116           Purclases of Tyson Class A common stock         (614)         (264)           Dividends         (123)         34           Stock options exercised         123         34           Stock options exercised         123         34           Cash Used for Financing Activities         660         (171)           Effect of Exchange Rate Changes on Cash         3         (1)           Increase (Decrease) in Cash and Cash Equivalents         74         355           Cash Liquidents at Beginning of Year         1,071         76	Other, net	100	52
Cash Flows From Investing Activities:           Additions to property, plant and equipment         (558)         (690)           Purchases of marketable securities         (135)         (58)           Proceeds from sale of marketable securities         117         47           Acquisitions, net of eash acquired         (106)         —           Other, net         39         41           Cash Leed for Investing Activities         (643)         (660)           Cash Flows From Financing Activities         9         (643)         (690)           Cash Plows From Financing Activities         (91)         (993)         (690)           Net proceeds from borrowings         68         1,116         (600)	Net change in other current assets and liabilities	(71)	(247)
Additions to property, plant and equipment         (558)         (690)           Purchases of marketable securities         (135)         (58)           Proceeds from sale of marketable securities         117         47           Acquisitions, net of cash acquired         (106)         —           Other, net         (63)         (660)           Cash Used for Investing Activities         —         (60)           Cash Plows From Financing Activities         91         (93)           Net proceeds from borrowings         (61)         (264)           Purchases of Tyson Class A common stock         (614)         (264)           Dividends         (104)         (57)           Stock options exercised         123         34           Other, net         (60)         (70)           Sall Used for Financing Activities         18         (7)           Effect of Exchange Rate Changes on Cash         3         (1)           Increase (Decrease) in Cash and Cash Equivalents         74         355           Cash and Cash Equivalents at Beginning of Year         1,071         716	Cash Provided by Operating Activities	1,314	1,187
Purchases of marketable securities         (135)         (58)           Proceeds from sale of marketable securities         117         47           Acquisitions, net of eash acquired         (106)         —           Other, net         39         41           Cash Used for Investing Activities         (643)         (660)           Cash Flows From Financing Activities         (91)         (993)           Net proceeds from borrowings         68         1,116           Purchases of Tyson Class A common stock         (614)         (57)           Stock option exercised         103         34           Other, net         18         (7)           Cash Used for Financing Activities         6600         1710           Effect of Exchange Rate Changes on Cash         3         (100)           Increase (Decrease) in Cash and Cash Equivalents         74         355           Cash and Cash Equivalents at Beginning of Year         1,071         716	Cash Flows From Investing Activities:		
Proceeds from sale of marketable securities         117         47           Acquisitions, net of cash acquired         (106)         —           Other, net         39         41           Cash Used for Investing Activities         (63)         (660)           Cash Flows From Financing Activities:         9         (93)         (93)           Payments on debt         (91)         (993)	Additions to property, plant and equipment	(558)	(690)
Acquisitions, net of cash acquired       (106)       —         Other, net       39       41         Cash Used for Investing Activities       (643)       (660)         Cash Flows From Financing Activities:         Payments on debt       (91)       (993)         Net proceeds from borrowings       68       1,116         Purchases of Tyson Class A common stock       (614)       (264)         Dividends       (104)       (57)         Stock options exercised       123       3         Other, net       18       (7)         Cash Used for Financing Activities       (600)       (171)         Effect of Exchange Rate Changes on Cash       3       (1)         Increase (Decrease) in Cash and Cash Equivalents       74       355         Cash and Cash Equivalents at Beginning of Year       1,071       716	Purchases of marketable securities	(135)	(58)
Other, net         39         41           Cash Used for Investing Activities         (643)         (660)           Cash Flows From Financing Activities:         99         (643)         (660)           Payments on debt         (91)         (993)	Proceeds from sale of marketable securities	117	47
Cash Used for Investing Activities         (643)         (660)           Cash Flows From Financing Activities:         9         (91)         (993)           Payments on debt         (91)         (993)           Net proceeds from borrowings         68         1,116           Purchases of Tyson Class A common stock         (614)         (264)           Dividends         (104)         (57)           Stock options exercised         123         34           Other, net         18         (7)           Cash Used for Financing Activities         (600)         (171)           Effect of Exchange Rate Changes on Cash         3         (1)           Increase (Decrease) in Cash and Cash Equivalents         74         355           Cash and Cash Equivalents at Beginning of Year         1,071         716	Acquisitions, net of cash acquired	(106)	
Cash Flows From Financing Activities:           Payments on debt         (91)         (993)           Net proceeds from borrowings         68         1,116           Purchases of Tyson Class A common stock         (614)         (264)           Dividends         (104)         (57)           Stock options exercised         123         34           Other, net         18         (7)           Cash Used for Financing Activities         (600)         (171)           Effect of Exchange Rate Changes on Cash         3         (1)           Increase (Decrease) in Cash and Cash Equivalents         74         355           Cash and Cash Equivalents at Beginning of Year         1,071         716	Other, net	39	41
Payments on debt         (91)         (993)           Net proceeds from borrowings         68         1,116           Purchases of Tyson Class A common stock         (614)         (264)           Dividends         (104)         (57)           Stock options exercised         123         34           Other, net         18         (7)           Cash Used for Financing Activities         (600)         (171)           Effect of Exchange Rate Changes on Cash         3         (1)           Increase (Decrease) in Cash and Cash Equivalents         74         355           Cash and Cash Equivalents at Beginning of Year         1,071         716	Cash Used for Investing Activities	 (643)	(660)
Net proceeds from borrowings         68         1,116           Purchases of Tyson Class A common stock         (614)         (264)           Dividends         (104)         (57)           Stock options exercised         123         34           Other, net         18         (7)           Cash Used for Financing Activities         (600)         (171)           Effect of Exchange Rate Changes on Cash         3         (1)           Increase (Decrease) in Cash and Cash Equivalents         74         355           Cash and Cash Equivalents at Beginning of Year         1,071         716	Cash Flows From Financing Activities:		
Purchases of Tyson Class A common stock         (614)         (264)           Dividends         (104)         (57)           Stock options exercised         123         34           Other, net         18         (7)           Cash Used for Financing Activities         (600)         (171)           Effect of Exchange Rate Changes on Cash         3         (1)           Increase (Decrease) in Cash and Cash Equivalents         74         355           Cash and Cash Equivalents at Beginning of Year         1,071         716	Payments on debt	(91)	(993)
Dividends         (104)         (57)           Stock options exercised         123         34           Other, net         18         (7)           Cash Used for Financing Activities         (600)         (171)           Effect of Exchange Rate Changes on Cash         3         (1)           Increase (Decrease) in Cash and Cash Equivalents         74         355           Cash and Cash Equivalents at Beginning of Year         1,071         716	Net proceeds from borrowings	68	1,116
Stock options exercised         (104)         (37)           Other, net         18         (7)           Cash Used for Financing Activities         (600)         (171)           Effect of Exchange Rate Changes on Cash         3         (1)           Increase (Decrease) in Cash and Cash Equivalents         74         355           Cash and Cash Equivalents at Beginning of Year         1,071         716	Purchases of Tyson Class A common stock	(614)	(264)
Other, net18(7)Cash Used for Financing Activities(600)(171)Effect of Exchange Rate Changes on Cash3(1)Increase (Decrease) in Cash and Cash Equivalents74355Cash and Cash Equivalents at Beginning of Year1,071716	Dividends	(104)	(57)
Cash Used for Financing Activities(600)(171)Effect of Exchange Rate Changes on Cash3(1)Increase (Decrease) in Cash and Cash Equivalents74355Cash and Cash Equivalents at Beginning of Year1,071716	Stock options exercised	123	34
Effect of Exchange Rate Changes on Cash Increase (Decrease) in Cash and Cash Equivalents Cash and Cash Equivalents at Beginning of Year  1,071 716	Other, net	 18	(7)
Increase (Decrease) in Cash and Cash Equivalents Cash and Cash Equivalents at Beginning of Year  1,071 716	Cash Used for Financing Activities	 (600)	(171)
Cash and Cash Equivalents at Beginning of Year 1,071 716	Effect of Exchange Rate Changes on Cash	 3	(1)
	Increase (Decrease) in Cash and Cash Equivalents	74	355
Cash and Cash Equivalents at End of Period \$ 1,145 \ \frac{1}{5} \ 1,071	Cash and Cash Equivalents at Beginning of Year	1,071	716
	Cash and Cash Equivalents at End of Period	\$ 1,145	\$ 1,071

## CASE 0:18-cv-01776-JRT-JFD Doc. 1326-9 Filed 05/02/22 Page 10 of 12

TYSON FOODS, INC.
EBITDA Reconciliations
(In millions)
(Unaudited)

	12 Months Ended						
	S	eptember 28, 2013	September 29, 2012				
Net income	\$	778 \$	576				
Less: Interest income		(7)	(12)				
Add: Interest expense		145	356				
Add: Income tax expense (a)		409	351				
Add: Depreciation		474	443				
Add: Amortization (b)		17	17				
EBITDA	\$	1,816 \$	1,731				
Total gross debt	\$	2,408 \$	2,432				
Less: Cash and cash equivalents		(1,145)	(1,071)				
Less: Short-term investments		(1)	(3)				
Total net debt	\$	1,262 \$	1,358				
Ratio Calculations:							
Gross debt/EBITDA		1.3x	1.4x				
Net debt/EBITDA		0.7x	0.8x				

- (a) Includes income tax expense of discontinued operation
- (b) Excludes the amortization of debt discount expense of \$28 million and \$39 million for the 12 months ended September 28, 2013, and September 29, 2012, respectively, as it is included in Interest expense.

EBITDA represents net income, net of interest, income tax and depreciation and amortization. EBITDA is presented as a supplemental financial measurement in the evaluation of our business. We believe the presentation of this financial measure helps investors to assess our operating performance from period to period and enhances understanding of our financial performance and highlights operational trends. This measure is widely used by investors and rating agencies in the valuation, comparison, rating and investment recommendations of companies. However, the measurement of EBITDA may not be comparable to those of other companies in our industry, which limits its usefulness as a comparative measure. EBITDA is not a measure required by or calculated in accordance with GAAP and should not be considered as a substitute for net income or any other measure of financial performance reported in accordance with GAAP or as a measure of operating cash flow or liquidity. EBITDA is a useful tool for assessing, but is not a reliable indicator of, our ability to generate cash to service our debt obligations because certain of the items added to net income to determine EBITDA involve outlays of cash. As a result, actual cash available to service our debt obligations will be different from EBITDA. Investors should rely primarily on our GAAP results, and use non-GAAP financial measures only supplementally, in making investment decisions.

12 Months Ended

## CASE 0:18-cv-01776-JRT-JFD Doc. 1326-9 Filed 05/02/22 Page 11 of 12

## TYSON FOODS, INC. EPS Reconciliations (Unaudited)

	Three Months Ended				12 Months Ended			
	Septem	ber 28, 2013	September 29, 2012	_ <u>_</u> _ <u>S</u>	September 28, 2013	Septembe	er 29, 2012	
Reported net income from continuing operations per share attributable to Tyson	\$	0.70	\$ 0.57	<b>'</b> \$	2.31	\$	1.68	
Less: \$19 million recognized currency translation adjustment gain		_	-	-	(0.05)		_	
Add: \$167 million early extinguishment of debt charge							0.29	
Adjusted net income from continuing operations per share attributable to Tyson	\$	0.70	\$ 0.57	\$	2.26	\$	1.97	
		Three Mo	onths Ended	12 Months Ended		hs Ended		
	Septen	nber 28, 2013	September 29, 2012	_ <u>_</u> _ <u>S</u>	September 28, 2013	Septembe	er 29, 2012	
Reported net income per share attributable to Tyson	Septen \$	o.70		- S	2.12		er 29, 2012 1.58	
Reported net income per share attributable to Tyson  Less: \$19 million recognized currency translation adjustment gain		·						
		·			2.12			
Less: \$19 million recognized currency translation adjustment gain		·			2.12 (0.05)			
Less: \$19 million recognized currency translation adjustment gain  Add: \$56 million impairment of non-core assets in China		·		- \$ - -	2.12 (0.05)		1.58	

Adjusted net income per share attributable to Tyson (adjusted EPS) and adjusted net income from continuing operations per share attributable to Tyson (adjusted continuing EPS) are presented as supplementary financial measurements in the evaluation of our business. We believe the presentation of adjusted EPS and adjusted continuing EPS helps investors to assess our financial performance from period to period and enhances understanding of our financial performance. However, adjusted EPS and adjusted continuing EPS may not be comparable to those of other companies in our industry, which limits the usefulness as comparative measures. Adjusted EPS and adjusted continuing EPS are not measures required by or calculated in accordance with GAAP and should not be considered as substitutes for any measure of financial performance reported in accordance with GAAP. Investors should rely primarily on our GAAP results, and use non-GAAP financial measures only supplementally, in making investment decisions.

## CASE 0:18-cv-01776-JRT-JFD Doc. 1326-9 Filed 05/02/22 Page 12 of 12

Tyson Foods, Inc., with headquarters in Springdale, Arkansas, is one of the world's largest processors and marketers of chicken, beef and pork, the second-largest food production company in the Fortune 500 and a member of the S&P 500. The Company was founded in 1935 by John W. Tyson, whose family has continued to be involved with son Don Tyson leading the company for many years and grandson John H. Tyson serving as the current Chairman of the Board of Directors. Tyson Foods produces a wide variety of protein-based and prepared food products and is the recognized market leader in the retail and foodservice markets it serves. The Company provides products and services to customers throughout the United States and approximately 130 countries. It has approximately 115,000 Team Members employed at more than 400 facilities and offices in the United States and around the world. Through its Core Values, Code of Conduct and Team Member Bill of Rights, Tyson Foods strives to operate with integrity and trust and is committed to creating value for its shareholders, customers and Team Members. The Company also strives to be faith-friendly, provide a safe work environment and serve as stewards of the animals, land and environment entrusted to it.

A conference call to discuss the Company's financial results will be held at 9 a.m. Eastern Monday, November 18, 2013. To listen live via telephone, call 888-455-8283. International callers dial 210-839-8865. The pass code "Tyson Foods" will be required to join the call. If you are unable to listen to the live webcast, it will be archived for one year at http://ir.tyson.com. A telephone replay will be available through December 18, 2013, at 866-475-8047. International callers may access the replay at 203-369-1520. The live webcast, as well as the replay, will be available on the Internet at http://ir.tyson.com. Financial information, such as this news release, as well as other supplemental data, can be accessed from the Company's web site at http://ir.tyson.com.

### Forward-Looking Statements

Certain information contained in the press release may constitute forward-looking statements, such as statements relating to expected performance, and including, but not limited to, statements appearing in the "Outlook" section. These forward-looking statements are subject to a number of factors and uncertainties which could cause our actual results and experiences to differ materially from the anticipated results and expectations expressed in such forward-looking statements. We wish to caution readers not to place undue reliance on any forward-looking statements, which speak only as of the date made. Among the factors that may cause actual results and experiences to differ from anticipated results and expectations expressed in such forward-looking statements are the following: (i) the effect of, or changes in, general economic conditions; (ii) fluctuations in the cost and availability of inputs and raw materials, such as live cattle, live swine, feed grains (including corn and soybean meal) and energy; (iii) market conditions for finished products, including competition from other global and domestic food processors, supply and pricing of competing products and alternative proteins and demand for alternative proteins; (iv) successful rationalization of existing facilities and operating efficiencies of the facilities; (v) risks associated with our commodity purchasing activities; (vi) access to foreign markets together with foreign economic conditions, including currency fluctuations, import/export restrictions and foreign politics; (vii) outbreak of a livestock disease (such as avian influenza (AI) or bovine spongiform encephalopathy (BSE)), which could have an adverse effect on livestock we own, the availability of livestock we purchase, consumer perception of certain protein products or our ability to access certain domestic and foreign markets; (viii) changes in availability and relative costs of labor and contract growers and our ability to maintain good relationships with employees, labor unions, contract growers and independent producers providing us livestock; (ix) issues related to food safety, including costs resulting from product recalls, regulatory compliance and any related claims or litigation, (x) changes in consumer preference and diets and our ability to identify and react to consumer trends; (xi) significant marketing plan changes by large customers or loss of one or more large customers; (xii) adverse results from litigation; (xiii) risks associated with leverage, including cost increases due to rising interest rates or changes in debt ratings or outlook; (xiv) compliance with and changes to regulations and laws (both domestic and foreign), including changes in accounting standards, tax laws, environmental laws, agricultural laws and occupational, health and safety laws; (xv) our ability to make effective acquisitions or joint ventures and successfully integrate newly acquired businesses into existing operations; (xvi) effectiveness of advertising and marketing programs; and (xvii) those factors listed under Item 1A. "Risk Factors" included in our September 28, 2013, Annual Report filed on Form 10-K.